

Annabel Melongo v. ASA Robert Podlasek, et al.

13 C 4924

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Exhibit B

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

STATE OF ILLINOIS)

)SS

COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)

) Judge: Lawrence E. Flood

Plaintiff,)

) Prosecutor: Kyle French, Attorney General Office

)

v.)

) No. 08 CR-10502

)

ANNABEL K. MELONGO)

)

Defendant.)

**MOTION REQUESTING THE CHIEF JUDGE HEAR THE
PETITION FOR SUBSTITUTION OF JUDGE AND PROSECUTOR FOR CAUSE**

COMES NOW the defendant, ANNABEL K. MELONGO, Pro Se, and respectfully moves this court to substitute Judge Flood and Prosecutor Kyle French pursuant to 725 ILCS 5/114-5(d) of the Code of Judicial Conduct. In support of this motion the Defendant states as follows:

- Judge Flood forbade defendant to argue her motion which would have exposed and put on record corruption and misconduct within the Attorney General and State Attorney office. Judge also failed to see the blatant denial of due process in the defendant's case; a case that has been unchallenged and without evidence for more than 3 years and 6 months. The

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motion to dismiss indictment, which Judge Flood denied without hearing the defendant's argument, is hereto attached as Exhibit 'A'. (N/A for State. Already has a copy)

- Given that defendant's case is one of political corruption involving the Attorney General, State Attorney office and their connections with Save A Life foundation, a company recently debunked by ABC for extortion of both federal and state money, and also given the fact that Judge Flood gave the defendant no reason why he prevented her from arguing her case, even though he previously asked her to set a date to do so, Judge Flood doesn't have the integrity that such a case requires. Judge Flood is easily intimidated by the presence of both Attorney General and State Attorney and gives prosecution a free ride.
- Judge is impartial and prejudicial toward defendant. For example when defendant comes late, even though she previously called to notify the court, Judge always moves to continue the case without her and he later reprimands the defendant. On the other hand, when the lead prosecutor comes late, defendant had to wait for him and Judge never reprimands him let alone continue the case in his absence. Moreover, Judge Flood refused to give defendant a legal assistant. When defendant decided to represent herself, she asked the Judge to let her have a public defender as an assistant, someone she can ask legal questions to. Judge Flood told the defendant either she removes herself from the case and get a public defender or she defends herself without the assistance of one; Although defendant is doing her best to be respectful toward the court, it's still not enough for Judge Flood who wants her to behave like a professed lawyer.
- The prosecutor Kyle French is from the Attorney General office, from The High Tech Crime division which deals with computer crimes. Kyle French was also the architect of the investigation leading to the defendant's indictment. The complainant, Save A Life Foundation, has not only received money from the Attorney General Office hereto attached as Exhibit 'B' but also, after having squandered millions of dollars both in federal and state money, has now partnered with the Attorney General office in an attempt to jump start a new organization aiming at creating Computer Laws in Illinois hereto attached as Exhibit 'C' (CD). The presence of the Attorney General office in the defendant's case represents a clear conflict of interests. Since the Attorney General office can't hardly be objective and impartial with someone it does business with and therefore can't faithfully perform its duty which is "to seek justice, not merely to convict" (RPC, Rule 3.8(a)). (Exhibits 'B-C' N/A for State. Already has a copy)
- When defendant filed her motion to substitute judge, there was no ambiguity to whom the motion was addressed to. Ignoring the demands of the defendant, see attached exhibit 'D', Judge Flood decided to send the defendant's motion to Judge Kazmierski who took 4 minutes at the most, to deny defendant's motion without ever reviewing all exhibits presented in the motion. Exhibit 'D' clearly portrays the unhealthy relation existing between Judge Flood and the defendant.

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THEREFORE, in consideration of the premises, said defendant requests that the Chief Judge of this court sets a date certain and thereupon conduct a fair and impartial hearing of this motion.

Respectfully submitted,


ANNABEL K. MELONGO, Pros Se

ANNABEL K. MELONGO

Pros Se Defendant

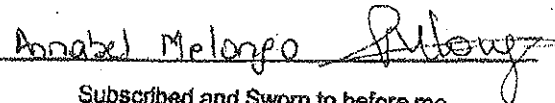
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Chicago IL, 60601

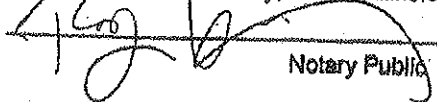
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Affidavit

I, Annabel Melongo, Pro Se defendant, believes that Judge Flood and Prosecutor Kyle French are prejudiced against the defendant that she cannot receive a fair trial. I certify (or declare) under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct.


Annabel Melongo

Subscribed and Sworn to before me
this 7th Day of October 2009
at Chicago, Cook County, State of Illinois


Notary Public

